

192413

2008-198-c

From: Chris Malish [mailto:cmalish@fostertermalish.com]
Sent: Tuesday, May 13, 2008 6:41 PM
To: Commissioner.Howard; Commissioner.Wright; Commissioner.Mitchell; Commissioner.Fleming; Chairman.Hamilton; Commissioner.Clyburn; ViceChairman.Moseley
Cc: Chris Malish; Brian Bolinger; jcarver@bellsouth.com
Subject: RE: EMERGENCY INTERVENTION NEEDED TO PREVENT UNNECESSARY MASS DISCONNECTION OF CONSUMERS

I represent dPi Teleconnect, LLC ("dPi"). dPi has just asked me to alert the Commission to the potential unwarranted disconnection of a large number of the state's consumers, and a corresponding increase customer complaints. This situation results from AT&T's failure to timely convert the customers from Vertex Communications, Inc. ("Vertex") onto dPi's platform, coupled with AT&T's insistence that it will disconnect these end users rather than migrate them to dPi's BANS.

As this Commission knows by virtue of earlier filings, in the summer of 2007 dPi acquired Vertex's entire customer base since Vertex was leaving the communications industry. Upon approval of this plan from each state agency, dPi submitted conversion orders to AT&T to convert all of Vertex's end users to dPi's platform. The conversion orders for every state were submitted by the end of March, 2008.

dPi subsequently learned that AT&T had not completed hundreds, if not thousands, of these conversion orders.

Now AT&T has threatened to disconnect these untransferred customers on May 15, 2008, unless dPi pays in full AT&T's bills for the *Vertex* end users – despite the fact that the bills were patently incorrect because (1) they had not been prorated for these users' partial month's service given the transfer to dPi's BANS; (2) AT&T is as much as four months behind in crediting those accounts with promotional discounts to which they were entitled; and (3) that other disputes remained outstanding.

AT&T will not disclose to dPi which end users were not converted or even how many there are, so dPi cannot identify how many customers may be affected in this particular state. However, in Tennessee, a state in which the Commission has already intervened, approximately 150 consumers were threatened with disconnection. dPi has had to try to piece together from previous billings by AT&T those end users which AT&T had not converted to dPi's platform as originally requested and which were thus still on the Vertex BANS.

dPi has re-submitted conversion orders a second time for customers dPi could find that were still on Vertex BANS. dPi has also informed AT&T that once final bills are received with the appropriate pro-rated credits, disputes, promotions, etc., dPi would pay to AT&T the remaining appropriate balances related to these Vertex lines.

dPi suggests that a call by this Commission to AT&T might prevent the unnecessary disconnection of these consumers, and requests the Commission's informal intervention to prevent this needless inconvenience to the people of this state, as well as to Commission staff, which may otherwise end up inundated with consumer complaints that could easily be avoided by AT&T's simply performing the conversions that it is in any event obligated by law and contract to perform.

This request is being sent by email direct to you instead of through more formal channels because time is of the essence.

Please call me or Brian Bolinger (dPi's Vice President responsible for legal affairs) at 972.277.5080 if you have any questions or concerns.

Thank you for your attention to, and service in, this matter.

Very truly yours,

Chris Malish
Foster Malish Blair & Cowan, LLP
1403 West Sixth Street
Austin, Texas 78703
(512)476-8591/voice
(512)477-8657/fax

cc: Phil Carver, AT&T Legal, Atlanta, GA

Brian Bolinger, V.P. Legal Affairs, dPi Teleconnect
Chris Malish